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THE PEOPLE OF THE STATE OF NEW YORK :

PLAINTIFF, :

against : 7974/10

SHANE RHOOMS, :

DEFENDANT, :

-----x

SEPTEMBER 8, 2010

CHARLES J. HYNES, ESQ., DISTRICT ATTORNEY, KINGS COUNTY  
LEWIS LIEBERMAN, ESQ., Assistant District Attorney

ANDREA RABINOWITZ  
Reporter/Stenographer (D. A.)

A.R.

1 DETECTIVE DEVON FREED

2  
3 Q. Good morning Detective.

4 Could you state your name, shield and command for  
5 the jurors please?

6 A. Detective Freed, shield 2577, 67 Precinct,  
7 Detective Squad.

8 Q. How long have you been with the New York City  
9 Police Department?

10 A. 18 years.

11 Q. How long as a Detective?

12 A. Over 13.

13 Q. What grade Detective are you?

14 A. First grade.

15 Q. What is the top grade?

16 A. First grade.

17 Q. Okay.

18 I want to draw your attention to this past Sunday  
19 night into early morning, actually morning of  
20 September 6th, were you working that evening?

21 A. I was.

22 Q. And did there come a time you became involved in  
23 an investigation of a shooting in the 67th Precinct?

24 A. Yes, it was a MOS, member of service involved  
25 in a shooting.

1 Q. Anyone else when you say members of service  
2 involved?

3 A. Actually three members of the service  
4 involved in the shooting.

5 Q. Where did that take place?

6 A. In the rear of 222 Lenox Road.

7 Q. What county is that in?

8 A. Kings County.

9 Q. How when you said there was three MOS, three  
10 Police Officers, did you learn what -- withdrawn.

11 What's a case Detective?

12 A. Case Detective is the lead Detective  
13 especially in a large investigation. There could be up  
14 to 100 Detectives working on a case. Case Detective is  
15 the person in charge of the case and directed that  
16 case.

17 Q. Who became the case Detective in the incident you  
18 started to share?

19 A. I did.

20 Q. Okay.

21 And did you speak to other officers pursuant to  
22 this investigation?

23 A. Yes, I did.

24 Q. And other than the three Police Officers involved,  
25 did you learn whether someone else was involved in the

1 shooting?

2 A. There was a suspect that they were attempting  
3 to apprehend.

4 Q. Okay.

5 What did you learn that suspect had done at the  
6 time of the incident?

7 A. He had shot the police with a handgun.

8 Q. Do you know whether anybody was hit that evening?

9 A. Nobody was hit that evening.

10 Q. Okay.

11 And when you say suspect, did you eventually  
12 develop a particular suspect in this case?

13 A. Yes.

14 Q. What's the name of that individual?

15 A. Shane Rhooms.

16 Q. Did there come a time when Rhooms was taken into  
17 custody?

18 A. Yes, he did.

19 Q. When was that?

20 A. Believe that was 6 O'clock p.m. on the 7th, I  
21 have to check my notes, I believe that's it.

22 Q. In other words this -- in other words a day later?

23 A. Correct.

24 Q. How was he taken into custody?

25 A. He actually surrendered into the

1 67th Precinct.

2 Q. Did the police make any efforts to apprehend him  
3 prior to surrendering?

4 A. Numerous times.

5 Q. Once he surrendered himself, pursuant to the  
6 investigation, did you take any other police actions?

7 A. Yes.

8 Q. What was that?

9 A. I conducted three line-ups.

10 Q. When were those line-ups conducted?

11 A. Conducted 12:30 a.m. on the 7th I believe.

12 Q. Today is Wednesday the 8th, they we conducted  
13 12:30 a.m. early Tuesday morning?

14 A. Correct, Monday was Labor Day, Monday at  
15 12:30.

16 Let me take a look.

17 Q. Check your notes.

18 A. It was Tuesday morning, Tuesday morning  
19 12:30 a.m.

20 Q. On the 7th, is that correct?

21 A. I believe so, I want to double check.

22 Right would be 12:30 a.m. on the 7th, September  
23 7th.

24 Q. And how many line-ups were conducted?

25 A. Three.

1 Q. So who viewed the line-ups?

2 A. Three Officers involved, Lieutenant Ortlieb,  
3 Lieutenant Henderson and Sergeant Seminara.

4 Q. How many people were in the line-up?

5 A. Six person in the line-up.

6 Q. And was Rhooms shown in the line-up?

7 A. Subject Shane Rhooms was in the line-up and  
8 sat in position number three, which he chose to sit in.

9 Q. And what is pedigree information sir?

10 A. Pedigree is information basically information  
11 about a persons date of birth, name, age and physical  
12 description.

13 Q. Did there come a time when you learned Shane  
14 Rhooms date of birth?

15 A. Yes, there was.

16 Q. What was that sir?

17 A. Again I have to take a quick look at my paper  
18 work.

19 Date of birth was, is April 22, 1988.

20 Q. No further questions.

21 You can step out sir.

22

23 (Whereupon, the Witness exited the Grand Jury  
24 room.)

25



1 SERGEANT JOSEPH SEMINARA

2

3 Q. Good morning, sir.

4 A. Good morning.

5 Q. Could you state your name, shield and command for  
6 the jurors, please?

7 A. Sergeant Seminara, shield number 2815, 75th  
8 Precinct.

9 Q. How long have you been with the New York City  
10 Police Department?

11 A. A little over six years.

12 Q. How long have you been with the 75?

13 A. A little over a year.

14 Q. Where were you prior to the 75?

15 A. The 67 Precinct in East Flatbush.

16 Q. Is that here in Brooklyn?

17 A. Yes.

18 Q. When did you become a sergeant, sir?

19 A. August of 2009, 1st year.

20 Q. About when you moved over to the 75 in other  
21 words?

22 A. Yes.

23 Q. I want to draw your attention to September the  
24 8th, this past Sunday night into Monday morning at 0030  
25 hours at 12:30 in the morning.

1           A.    I am sorry. I think that might have been the  
2    6th.

3           Q.    That's a typo, it's my fault. I am sorry.  
4    September the 6th. Thank you. September the 6th,  
5    early in the morning of Monday morning, this past  
6    Monday morning, were you working at that time?

7           A.    Yes, I was.

8           Q.    What precinct were you working in?

9           A.    I was working in the confines of the 67  
10   Precinct.

11          Q.    Why the 67 as opposed to your present home command  
12   the 75?

13          A.    I was brought back there to assist in -- it's  
14   called a detail for the pre Labor Day festivities.

15          Q.    You're talking about the Caribbean Day Parade?

16          A.    Yes.

17          Q.    What was your tour that evening?

18          A.    My tour was scheduled to be 3:00 p.m. by  
19   1157, but with overtime expected, I wasn't going home  
20   at 1157.

21          Q.    Were you in uniform or plainclothes?

22          A.    I was in uniform that night.

23          Q.    On foot or in a car?

24          A.    A car.

25          Q.    Marked police car or unmarked?

1 A. It was an unmarked car.

2 Q. Were you alone or other officers?

3 A. Other officers.

4 Q. Who where they, sir?

5 A. Police Officer Insogna, I-N-S-O-G-N-A.

6 Q. If you could say the other officers, tell the  
7 jurors where they were sitting?

8 A. Police Officer Insogna driving, Lieutenant  
9 Henderson, common spelling, was in the front passenger  
10 seat, I was directly behind Lieutenant Henderson, and  
11 Lieutenant Ortlieb, O-R-T-L-I-E-B, was in the back seat  
12 behind the driver.

13 Q. So, at about 12:30 in the morning, where were you?

14 A. I was in the vicinity of 222 Lenox Road.

15 Q. What direction does Lenox Road go?

16 A. It runs east and west.

17 Q. Which direction were you going?

18 A. We were traveling eastbound.

19 Q. What, if anything, did you see or smell or hear or  
20 anything at that time?

21 A. We smelt a strong order of marijuana.

22 Q. How fast was your car going?

23 A. Very, very slow.

24 Q. Windows open or closed?

25 A. Windows were open.

1 Q. Were you able to see where the smell of marijuana  
2 was coming from?

3 A. Yes.

4 Q. Describe for the jury what you saw in the area  
5 where you smelled the marijuana.

6 A. Right to the right of my vehicle, I saw four  
7 individuals, there was a cloud of smoke around them and  
8 as we got closer to them, the smell of marijuana got  
9 stronger.

10 Q. If you were the passenger, you said off to your  
11 right, in other words, were you closer to those  
12 individuals or would the driver's side be closer?

13 A. No, myself and Lieutenant Henderson would  
14 have been closer to them than the driver and the  
15 lieutenant behind the driver.

16 Q. What direction were you headed on Lenox?

17 A. I was headed east, they were immediately to  
18 my right.

19 Q. East or west?

20 A. They would have been on the south side of  
21 Lenox. If I am going eastbound, they're right to my  
22 right, so the passenger side of the car.

23 Q. Okay. So, once you saw these four people, what,  
24 if anything, did you and your follow officers do?

25 A. We stopped the vehicle and at that point one

1 of the individuals kind of grabbed his waist and slid  
2 behind one of the other people that were standing there  
3 with him.

4 MR. LIEBERMAN: Let the record indicate the officer  
5 grabbed at his waist.

6 Q. If you can stand and show the jury the motion you  
7 were doing while you were standing up.

8 A. When the vehicle stopped one of the  
9 individuals grabbed his waist, made an adjustment and  
10 stepped behind, got single file behind one of the other  
11 guys standing there.

12 MR. LIEBERMAN: Let the record reflect right front  
13 over his waist and with his left-hand just underneath  
14 that and moved it a little bit and stepped a little  
15 backwards to his left.

16 Q. He moved behind another individual?

17 A. Correct.

18 Q. And what did you do and the other officers do?

19 A. We exited the vehicle.

20 Q. What happened next?

21 A. As soon as we exited the vehicle, very  
22 shortly thereafter the individual that I previously  
23 described stepping behind the other person took off  
24 running.

25 Q. And then what happened?

1           A.    We pursued him. My partner was shouting  
2    verbal commands for him to stop. A little while after  
3    the foot chase started, I saw him remove a black  
4    firearm from his waistband and put his arm back and  
5    fired two shots at us.

6           MR. LIEBERMAN: Let the record reflect the witness  
7    turned by his right side and pointed his arm  
8    perpendicular to the ground, turning it, facing behind  
9    him -- excuse me, parallel to the ground.

10          Q.    About how far away were you from him when he  
11    turned and fired?

12          A.    No more than ten yards.

13          Q.    Were you in front of or in back of -- who were the  
14    first officers who were chasing him?

15          A.    When the pursuit actual started, Lieutenant  
16    Henderson was actually first. I am a little younger  
17    than him, I moved over to the right with the intention  
18    of eventually passing him. So, when the individual  
19    fired at us, I was still behind Lieutenant Henderson  
20    but off to his right a little bit.

21          Q.    At the time he fired, did you have your weapon  
22    out?

23          A.    Not before he started shooting.

24          Q.    Did you then take it out?

25          A.    Then I took it out.

1 Q. After he let go of those two rounds, what did he  
2 do then?

3 A. He continued to run and then made a left at  
4 the -- where the driveway meets sort of a courtyard,  
5 made a quick left.

6 Q. What did he do then?

7 A. He ran down a ramp which makes a right angle  
8 with another ramp. By the time we rounded the corner,  
9 because the shots obviously made me stutter step a  
10 little bit, by the time I got around the corner, he was  
11 down the second ramp. And when Lieutenant Henderson  
12 and I rounded the corner, he began firing at us again.  
13 At that point, I got down on one knee and returned  
14 fire.

15 Q. You did return fire?

16 A. Yes.

17 Q. And then what happened?

18 A. He continued shooting as he backed into a  
19 doorway which was at the bottom of that second ramp,  
20 went inside the doorway. Then there was a pause, so we  
21 began advancing and then unexpectedly his arm swung out  
22 the door jamb and started shooting again.

23 Q. Did anybody get hit that you know of?

24 A. No.

25 Q. Are you aware if had you hit him or anybody else,

1 any of your other officers?

2 A. No, Thank God.

3 Q. Was he apprehended at that time?

4 A. At that time, no.

5 Q. When you were running after him, did anybody  
6 identify themselves as police or ordered him to stop?

7 A. Yes, Lieutenant Henderson being the lead  
8 person in the pursuit and therefore closer to him was  
9 shouting verbal commands.

10 Q. I want to draw your attention, sir, to the early  
11 -- the next morning, the 7th, early Tuesday morning,  
12 did you have an opportunity to see that individual who  
13 had fired at you?

14 A. Yes.

15 Q. Did you learn his name?

16 A. Yes.

17 Q. What was his name?

18 A. Shane Rhooms.

19 Q. What were the circumstances under which you saw  
20 him?

21 A. I was brought in to view a lineup.

22 Q. How many people were in the lineup?

23 A. Six.

24 Q. Did you recognize Shane Rhooms in that lineup?

25 A. Yes.

1 Q. What number was he?

2 A. He was in three.

3 Q. Nothing further. You have can step out, sir.

4

5 (WITNESS EXCUSED)

6

1                                   LIEUTENANT ROBERT HENDERSON

2

3           Q.    Good morning, sir.

4           A.    Good morning.

5           Q.    Can you state your name, shield and command for  
6           the jurors, please?

7           A.    My name is Lieutenant Robert Henderson of the  
8           69 Precinct of Brooklyn, New York.

9           Q.    How long have you been a New York City Police  
10          Officer?

11          A.    Approximately 13 and a half years.

12          Q.    How long have you been a lieutenant?

13          A.    One and a half years.

14          Q.    Where did you serve before you were assigned to  
15          the 69, sir?

16          A.    I worked in the 67 Precinct and the 77  
17          Precinct.

18          Q.    Were you working last Sunday night into Monday,  
19          September 5th into September 6th?

20          A.    Yes.

21          Q.    What precinct were you working in?

22          A.    I was assigned to the 67 Precinct.

23          Q.    Did you work alone or with anybody else?

24          A.    I was working with three partners.

25          Q.    Who was that?

1           A.    Police Officer Insogna, I-N-S-O-G-N-A,  
2   Lieutenant Ortlieb, O-R-T-L-I-E-B, and Sergeant  
3   Seminara, S-E-M-I-N-A-R-A.

4   Q.   What area were you working in?

5           A.    I was working in the 67 precinct.

6   Q.   In Brooklyn?

7           A.    In Brooklyn.

8   Q.   Were you on foot or in a vehicle?

9           A.    I was in a vehicle.

10   Q.   Were you in plainclothes or uniform?

11           A.    Uniform.

12   Q.   Where were you at approximately 12:30 in the  
13   morning, early in the morning on September the 6th,  
14   early Monday morning?

15           A.    I was in the vehicle in front of 222 Lenox  
16   Road.

17   Q.   What direction was that vehicle traveling?

18           A.    Facing eastbound.

19   Q.   Where were you seated in the vehicle?

20           A.    I was the front passenger.

21   Q.   If you're facing eastbound, 222 is on what side of  
22   the street?

23           A.    It's on the right side if you're facing  
24   eastbound.

25   Q.   In other words, closer to you as opposed to the

1 driver?

2 A. Correct.

3 Q. Is that the south side of the street?

4 A. That would be the south side of the street,  
5 yes.

6 Q. What, if anything, did you observe or see anything  
7 at that time?

8 A. As we were patrolling down the street, we're  
9 going down, as we got in front of 222 Lenox, I noticed  
10 an unmistakable smell of marijuana being smelled. I  
11 observed four individual on the side of 222 Lenox in  
12 front of the alleyway.

13 Q. Were your windows up or down?

14 A. They were down.

15 Q. What did you do after you smelled the marijuana  
16 and saw those people?

17 A. I told Officer Insogna to stop the vehicle.

18 Q. Were you in charge of this unit of four officers?

19 A. There was another lieutenant working, we were  
20 coworkers of the unit.

21 Q. And the car stopped?

22 A. Yes.

23 Q. And then what happened?

24 A. At that point, I exited the vehicle and I  
25 started to approach the four individuals who were

1 smoking the marijuana and said --

2 Q. Please, wait one second. Were you in uniform?

3 A. Yes.

4 Q. What did they do?

5 A. At that time, one of the individuals started  
6 to adjust something on his waist and move behind  
7 another one of the individuals in the group.

8 Q. Could you see what it was in his waist at that  
9 time?

10 A. No.

11 Q. What happened next?

12 A. At that point I told him, Please, stop. And  
13 he started to he turn around and ran down the alleyway.

14 Q. Without -- unless the jury later requests it,  
15 without a step by step description --

16 MR. LIEBERMAN: Again, Jury, unless you request it  
17 later.

18 Q. -- tell the jury what the individual did as he ran  
19 down the alleyway.

20 A. He started to fire a handgun at us.

21 Q. Did you return fire?

22 A. Yes.

23 Q. How many times did he fire the handgun at you?  
24 How many junctures did he fire the handgun?

25 A. At three separate junctions.

1 Q. Where was the last one -- where was he at the last  
2 one?

3 A. He was inside of the building. He had run  
4 into a courtyard, he entered through a door that lead  
5 from a courtyard into the building, the back rear of  
6 the building.

7 Q. Could you actually see his whole body when was in  
8 that building?

9 A. No.

10 Q. Tell the jury what you saw, please.

11 A. At that point, I observed his arm extend  
12 outside of the door and fire shots at us.

13 MR. LIEBERMAN: Let the record reflect the witness  
14 put his arm out about shoulder high parallel to the  
15 floor.

16 Q. You did return fire?

17 A. Yes.

18 Q. Was anyone hit?

19 A. No.

20 Q. Was he apprehended at that time?

21 A. At that time, no.

22 Q. Was he later apprehended?

23 A. Yes.

24 Q. I want to draw your attention, sir, to early in  
25 the morning of September the 7th the next day, early

1 Tuesday morning, where were you at that time early in  
2 the morning?

3 A. I was at the 71 Precinct.

4 Q. Why were you there?

5 A. To view a lineup.

6 Q. Did you view one?

7 A. Yes.

8 Q. How many people in the lineup?

9 A. Six.

10 Q. Do you recognize anyone?

11 A. Yes.

12 Q. Who was that?

13 A. I observed the individual that was firing the  
14 gun at us earlier that day.

15 Q. Do you remember what position he was in the  
16 lineup?

17 A. Yes.

18 Q. What number?

19 A. Three.

20 Q. Did you learn his name?

21 A. Yes.

22 Q. What is that?

23 A. Shane Rhooms.

24 Q. Thank you for your testimony, sir. You may step  
25 out.

1           A.    You're welcome.

2

3                               (WITNESS EXCUSED)

1                   LIEUTENANT ROBERT HENDERSON, RECALLED

2

3           Q.    Lieutenant, how were you able to recognize Rhooms?

4           A.    I recognized his face.

5           Q.    About how long did it take you to recognize him

6           once you saw him in the lineup?

7           A.    Immediately.

8           Q.    Thank you.

9

10                                   (WITNESS EXCUSED)

1                   LIEUTENANT ROBERT HENDERSON, RECALLED

2

3           Q.     Sorry. Lieutenant, when you were chasing Rhooms,  
4     what other police officers were with you?

5           A.     Sergeant Seminara, Lieutenant Ortlieb and  
6     Officer Insogna.

7           Q.     How far was Ortlieb -- withdrawn.

8                   At the beginning of the chase, who was in the  
9     front?

10          A.     Myself.

11          Q.     And by the time the defendant was shooting, the  
12     first, second and third time, about how close was  
13     Lieutenant Ortlieb to you?

14          A.     He was probably about ten yards away from me.

15          Q.     Was he in the same direction, in other words,  
16     behind you where the defendant was shooting?

17          A.     It depends on which time. There were three  
18     separate incidents. When he was firing initially, he  
19     was. And then actually the shots were closer to his  
20     direction later on.

21          Q.     At one point the defendant was shooting in the  
22     direction of Lieutenant Ortlieb?

23          A.     Yes.

24          Q.     And was Ortlieb in uniform?

25          A.     Yes.

1       Q.    Thank you, sir.

2

3                               (WITNESS EXCUSED)

1                   LIEUTENANT ROBERT HENDERSON, RECALLED

2

3           Q.    Did you apprehend Rhooms that night after he went  
4   into that building?

5           A.    No.

6           Q.    Did you recover a gun that night?

7           A.    No.

8           Q.    Thank you.

9

10                                   (WITNESS EXCUSED)